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Unisys Corporation and International Union, United Automobile, Aerospace and Agricultural Implement Workers of America (UAW), AFL-CIO and its Local 1313, Petitioner. Case 7-RC-23167

October 20, 2009

DECISION ON REVIEW AND ORDER

BY CHAIRMAN LIEBMAN AND MEMBER SCHAMBER

On February 21, 2008, the Regional Director for Region 7 of the National Labor Relations Board issued a Decision and Order in this proceeding, in which he concluded that a self-determination election to permit production control assistant Gerald Sarna to vote on inclusion with the currently represented general production employees and electronic product technicians was not appropriate. In this regard, the Regional Director found that the proposed voting group, which consists only of Sarna, is not appropriate because it excludes other employees with whom Sarna shares a community of interest, including employees with the same title as Sarna, certain shipping and receiving employees, procurement analysts, material planning analysts, and order management analysts, all of whom are unrepresented.

Thereafter, in accordance with Section 102.67 of the National Labor Relations Board's Rules and Regulations, the Petitioner filed a timely request for review of the Regional Director's decision. The Petitioner contended that Sarna's specialized duties, functional integration and interaction with employees in the existing unit, and history of bargaining in a separate plant clerical unit with terms and conditions of employment similar to those of the existing unit, warrant a self-determination election to decide whether he desires inclusion in the existing unit. The Employer filed an opposition to the request for review.

By Order dated June 5, 2008, the Board granted the Petitioner's request for review. Thereafter, the Petitioner and the Employer each filed a brief on review.

Having carefully considered the entire record, including the briefs on review filed by the Petitioner and the Employer, we conclude that Sarna shares a sufficient community of interest with the existing unit and that his employment interests are sufficiently identifiable and distinct from the other unrepresented employees to permit a self-determination election.¹

¹ Effective midnight December 28, 2007, Members Liebman, Schaumber, Kirsanow, and Walsh delegated to Members Liebman, Schaumber, and Kirsanow, as a three-member group, all of the Board's

Factual Background

1. The facility

The Employer manufactures and distributes check processing equipment and related products at several facilities throughout the United States. Its Plymouth, Michigan facility is the sole location germane to this proceeding. The Plymouth facility consists of four buildings connected by a series of breezeways. Located in building 1 are the Employer's accounting, human resources, and payment systems personnel.

Building 2 consists of 10 to 12 separate production areas, where the Employer's check processing products are assembled, tested, and repaired; a packing area; a shipping and receiving area; and an office area known as "cube city." All of the employees in the existing unit work in building 2, in the production, packing, and shipping and receiving areas, except for four unit employees who perform janitorial duties in building 1. Several classifications of unrepresented employees also work in building 2, primarily in cube city. These include procurement analysts, material planning analysts, order management analysts, engineers, certain management personnel, and Sarna.

Building 3 is devoted to the warehousing of spare parts and the reclamation of equipment returned by customers. Warehousing employees, shipping and receiving employees, production control assistants, and technicians, among others, work in building 3. Building 4 houses a separate business division of the Employer, known as Unisys Direct. Building 4 employees are involved in the warehousing and distribution of consumable products, such as literature, software, and toner cartridges. The employees working in buildings 3 and 4 are all unrepresented.

2. Bargaining history

The Petitioner has represented the Employer's general production employees and electronic technicians since 1964. The contractual unit description in the most recent

powers in anticipation of the expiration of the terms of Members Kirsanow and Walsh on December 31, 2007. Pursuant to this delegation, Chairman Liebman and Member Schaumber constitute a quorum of the three-member group. As a quorum, they have the authority to issue decisions and orders in unfair labor practice and representation cases. See Sec. 3(b) of the Act. See *Snell Island SNF LLC v. NLRB*, 568 F.3d 410 (2d Cir. 2009), petition for cert. filed 78 U.S.L.W. 3130 (U.S. September 11, 2009) (No. 09-328); *New Process Steel v. NLRB*, 564 F.3d 840 (7th Cir. 2009), petition for cert. filed 77 U.S.L.W. 3670 (U.S. May 22, 2009) (No. 08-1457); *Northeastern Land Services v. NLRB*, 560 F.3d 36 (1st Cir. 2009), petition for cert. filed 78 U.S.L.W. 3098 (U.S. August 18, 2009) (No. 09-213). But see *Laurel Baye Healthcare of Lake Lanier, Inc. v. NLRB*, 564 F.3d 469 (D.C. Cir. 2009), petition for cert. filed sub nom. *NLRB v. Laurel Baye Healthcare of Lake Lanier, Inc.*, __ U.S.L.W. __ (U.S. September 29, 2009) (No. 09-377).

collective-bargaining agreement, which was effective from April 24, 2007 to April 24, 2009, included “all hourly-rated production employees of the plants located at 41100 Plymouth Road and 13100 Haggerty Road [buildings 1 and 2], Plymouth, Michigan, including general production and electronic technicians (manufacturing).” The unit excluded “all other employees presently covered by existing collective-bargaining agreements between labor organizations and the company,” as well as office clerical employees, professionals, all other technical employees, guards, assistant foremen, foremen, and all other supervisors as defined in the Act.²

Between 1967 and 2007, a sister local—International Union, United Automobile, Aerospace and Agricultural Implement Workers of America, Local Union 1440—represented a separate unit of plant clerical employees working in building 2. The unit description in the most recent collective-bargaining agreement, which was effective from March 30, 2002 through March 25, 2006, included “all salaried plant clerical employees of the Plymouth Plant located at 13100 Haggerty Road [building 2], Plymouth, Michigan, excluding office clerical employees, managers, guards, professional employees, technical employees, confidential employees, managerial employees and all employees covered under collective-bargaining agreements.”

The wages and benefits under the two most recent collective-bargaining agreements between the Employer and the Petitioner and between the Employer and Local 1440 were substantially similar. The agreements included similar cost-of-living allowances, working hours and overtime provisions, call-back pay provisions, holidays, and service days. The agreements expired within 1 or 2 weeks of one another. The Employer and the Petitioner negotiated their contract first. Local 1440 and the Employer then met a single time and adopted a contract that provided similar economic improvements.

Over time, the plant clerical unit represented by Local 1440 dwindled down to one employee, Gerald Sarna. In 2007, Local 1440’s charter was revoked by the International Union. The Petitioner then assumed representational responsibility for the plant clerical unit.

By letter dated January 13, 2007, the Employer notified Sarna that he had been reclassified as a production control assistant effective July 2, 2007.³ The letter stated that Sarna’s wage rate would remain unchanged, but his other terms and conditions of employment would be the same as the Employer’s unrepresented employees. Sarna

was also given certain additional responsibilities, described below. On about June 15, 2007, the Employer withdrew recognition from the Petitioner as the representative of the plant clerical unit on the ground that it had become a one-person unit. On January 7, 2008, the Petitioner filed the instant petition for a self-determination election to ascertain whether Sarna wishes to be included in the existing unit or remain unrepresented.

The other classifications of employees at issue in this proceeding have never been represented by any labor organization for the purposes of collective bargaining, and there is no applicable bargaining history involving those classifications.

3. Job functions, skills, and training

a. Existing unit: There are approximately 124 employees in the existing production unit. Unit employees assemble, test, pack, and ship the Employer’s check processing products; receive incoming shipments of component parts purchased from outside suppliers; test and inspect the component parts to ensure that they meet the Employer’s specifications; deliver the component parts to appropriate internal delivery locations; perform repairs on returned parts; and perform janitorial duties in buildings 1 and 2.

The unit employees responsible for testing and troubleshooting the Employer’s finished products are required to have an electronics certificate from a 2-year training school or community college. The employees responsible for testing component parts purchased from outside suppliers are required to have a mechanical inspection certificate. The other unit employees receive no formal training and are not required to have licenses or certifications of any kind.

b. Sarna: Sarna has worked for the Employer since 1974. His primary responsibility involves filling emergency orders for replacement parts for the Employer’s products. This involves picking, packing, and shipping the replacement parts. He is also responsible for processing incoming shipments of component parts.

Sarna begins his workday at his desk in cube city, where he spends approximately 2 hours communicating, by telephone and e-mail, with customers and customer service engineers⁴ at other locations who have placed emergency orders. Sarna then travels to the shipping and receiving area to process incoming shipments. Incoming shipments are initially processed by a unit employee. The unit employee scans bar-coded packages into a computer database using a radiofrequency gun and puts aside any packages that do not have a barcode for Sarna to

² The unit description in previous agreements included additional classifications. For example, prior to 1998, the unit also included “hourly rated plant clerical employees” working in buildings 1 and 2.

³ Sarna’s former title was senior material control clerk.

⁴ Customer service engineers work at customer locations and repair the Employer’s products.

process. The unit employee then writes up packing slips for the packages without bar-codes and gives the packing slips to Sarna. Sarna manually enters the information from the packing slips into a computer in the shipping and receiving area that is reserved for his sole use, prints bar-coded labels, and gives the labels to the unit employee. The unit employee attaches the labels to the packages and delivers the packages to internal delivery locations in building 2. Sarna spends approximately 1 hour each day processing incoming shipments.

Sarna then travels to the production areas of building 2 to obtain replacement parts to fill emergency orders. He ordinarily goes to the work cells where the required part is manufactured and asks a unit employee to pull the part or, if the part is not already assembled, to expedite the part. Sarna spends approximately 1 hour in the production areas obtaining replacement parts from unit employees. If Sarna is unable to locate the appropriate unit employee, he may request assistance from an unrepresented analyst assigned to the work cell. He may also request assistance from unrepresented analysts in obtaining replacement parts from a stockroom in building 2, in verifying the address to which an emergency order is being shipped, or recirculating parts for repair.

After Sarna obtains the required parts, he carries them to the small parts packing area in building 2, to be packed by a unit employee. Sarna may also pack parts himself. He then inputs data regarding the parts into the Employer's inventory tracking system using a shared computer located in the small parts packing area. Sarna spends anywhere from 30 to 90 minutes in small parts packing each day. Next, Sarna takes the parts to the shipping and receiving area, where he completes the shipping documentation on his computer and prints and attaches shipping labels to the packages. This process may take up to an hour each day.

Some parts have to be transferred to the warehouse located in building 3 and entered into inventory at that location prior to shipping. In that event, Sarna delivers the parts to the shipping and receiving employees in building 3. Sarna spends up to 15 minutes each day delivering parts to the warehouse in building 3.

As noted above, the Employer reclassified Sarna as a production control assistant effective July 2, 2007.⁵ When he was reclassified, Sarna was given responsibility for processing emergency orders for replacement parts for printers manufactured by outside vendors. This primarily involves communicating by email with outside vendors to arrange for the drop shipment of replacement

printer parts to customers.⁶ Sarna spends approximately 1 hour per day performing these duties, using his computer in cube city.

Sarna's normal working hours are from 8 a.m. until 4:30 p.m., Monday through Friday. He is required to carry a pager and a cell phone and to remain on call at all times. He is called back to the facility to process emergency overnight orders two to three times per week.

Sarna did not receive any formal training. He received on-the-job training in three different computer programs: BAMCS, which is the Employer's computerized manufacturing database; GLS, an inventory tracking system; and OMS, an international shipping program.

c. Production control assistants: As indicated above, following the Employer's withdrawal of recognition from the Petitioner in the plant clerical unit, Sarna was reclassified as a production control assistant (PCA). There are five other employees with this title. Three work in the reclamation area of building 3 performing inventory management and one works in building 4 performing inventory management for literature and software.⁷ The written job description of the PCAs indicates that they are responsible for reviewing records on stock status, material requirements, order processing, inspection, and production, and maintaining records on current production, using software applications. They frequently interact with customers. The record does not reflect whether they use the same computer systems as Sarna. The PCA position does not require any specialized training or skills.

d. Analysts: There are three classifications of analysts. Procurement analysts work with outside vendors to purchase component parts used in the assembly of the check processing machines and printer parts. Material planning analysts determine the flow of product to make sure that parts get to the work cells in a timely manner and in the correct quantities required to fulfill orders. They also communicate with procurement analysts to make sure that shortages are known. Order management analysts follow up with procurement on parts orders to make sure they ship on time. Order management analysts and material planning analysts work in buildings 2, 3, and 4. Procurement analysts work in building 2, in cube city. A college degree is preferred for the analyst positions, but the record reflects that two procurement analysts, both formerly members of the Local 1440 plant clerical unit, bid on and obtained their present positions as procurement analysts without a college degree.

⁵ Sarna's former title was chief production control dispatcher.

⁶ Before his reclassification, Sarna's duties involved only products assembled at the Employer's Plymouth facility.

⁷ The record is unclear regarding the specific job duties of the remaining PCA and whether she works in building 3 or 4.

e. Shipping and receiving employees: The shipping and receiving employees work in building 3. They are responsible for receiving orders, completing shipping and receiving paperwork, picking orders and performing continual warehouse inventory. Like Sarna, they process orders for replacement parts and are required to remain on call and be available at all times to process emergency overnight orders. Unlike Sarna, however, they only process orders for replacement parts that are in inventory in the building 3 warehouse. If the required part is not in inventory in building 3, the order goes to Sarna. The shipping and receiving employees are not required to have any specialized training. They received on-the-job training in the same computer systems as Sarna.

4. Supervision and management

a. Existing unit: Most of the employees in the existing unit report to three "production coaches": Jerry Kiesel, Gayle Rodriguez, and Stephen Steen. Kiesel, Rodriguez, and Steen report directly to Department Manager John Earl, who reports to Vice President Larry McCarter. Five unit employees who are responsible for performing repairs on returned parts report directly to Department Manager Bill Holmes, who reports to McCarter. Five unit employees who perform janitorial duties are supervised by Michael Safranski. The record is silent regarding the second-level supervision and management of the janitorial employees.

b. Sarna: Sarna is supervised by Mary Beth Fischer Smith, who reports to Holmes. Fischer Smith has supervised Sarna since 2005.

c. Production control assistants: Three of the other PCAs are supervised by Alan Yew, one is supervised by Sue Erdman, and one is supervised by Bob Sheeler. The record is silent regarding the second-level supervision and management of the other PCAs.

d. Analysts: Fischer Smith supervises two analysts working in building 2 whose exact title is unclear. Some witnesses referred to them as material planning analysts, while others referred to them as order management analysts. At the time of the hearing, the procurement analysts reported directly to Holmes, but they were in the process of being transitioned to Department Manager Jim Whiting. Like Holmes, Whiting reports to Vice President McCarter. The Employer's organizational chart also reflects that several order management analysts report indirectly to Whiting through an unnamed manager.

e. Shipping and receiving clerks: Fischer Smith supervises two shipping and receiving clerks who work in building 3. At the time of the hearing, she was temporarily supervising several other shipping and receiving clerks working in building 3, who were in the process of

being transitioned to an unnamed manager, who will report to Holmes.

5. Wages, benefits, and other terms and conditions of employment

The terms and conditions of employment of the Employer's represented and unrepresented employees are similar in many respects, but there are differences relating to compensation, leave, vacation, disability, medical insurance, and pension. In addition, some unrepresented employees are eligible for availability pay, while employees in the existing unit are not. Both represented and unrepresented employees receive call-back pay, but it is calculated differently for the two groups.

Unit employees are paid an hourly wage rate, which ranges between \$11 and \$25.05 per hour. Under the Local 1440 collective-bargaining agreement, Sarna's wage rate was \$21.06 per hour, which falls between the lowest and the highest hourly wage rate in the existing unit.⁸ When he was reclassified, Sarna's wage rate remained unchanged and he kept his accrued service days and his years of service under the negotiated pension plan. In all other respects, however, his terms and conditions of employment became the same as the Employer's other unrepresented employees.

Like Sarna, the other PCAs and the shipping and receiving employees are hourly paid.⁹ The analysts are salaried. The record does not reveal the specific wage rates or salaries of any of the unrepresented employees at issue in this proceeding or how their compensation compares to Sarna's.

6. Functional integration and interaction

Sarna works alongside of, and interacts with, employees in the existing unit from 2-1/2 to 3-1/2 hours each day. Thus, the record reflects that Sarna spends approximately 1 hour each day in the shipping and receiving area of building 2, working with a unit employee to process incoming shipments that are not bar-coded; he spends approximately 1 hour each day in the production areas of building 2, obtaining replacement parts directly from unit employees; and he spends anywhere from 30 to 90 minutes each day working alongside a unit employee in the small parts packing area, packing replacement parts for shipping and entering them into the Employer's inventory

⁸ The record is silent concerning how Sarna, an hourly-paid plant clerical, came to be included in the Local 1440 unit of salaried plant clericals.

⁹ Fischer Smith testified that the wage rate for the PCAs is based on a combination of factors, including a common market reference point, the employee's annual performance review, years of service, and background. At the time of the hearing, Sarna's wage rate had not yet been set in relation to the market reference point for PCAs.

database. Sarna also spends approximately 1 hour each day in the shipping and receiving area where unit employees work, preparing shipping manifests for replacement parts on a computer dedicated to his sole use.

The record reflects that Sarna has no interaction or functional integration with the other PCAs.

Sarna spends anywhere from 45 minutes to approximately 1 hour and 15 minutes each day interacting with unrepresented analysts. Sarna testified that when he cannot locate a unit employee to help him obtain a replacement part, he asks analyst Gale Gutknect for assistance in obtaining the required part. He estimated that he interacts with Gutknect 15 to 20 minutes per day. He also testified that if there is a problem with the delivery address for an emergency order, he asks analyst Denise Durkin for the correct address. He estimated that he interacts with Durkin 5 to 10 minutes a day. He testified further that he interacts with analyst Fred Kuriakose approximately 10 to 15 minutes each day when he needs to obtain a part from the stockroom in building 2. Although Sarna referred to Gutknect, Durkin, and Kuriakose as analysts, he was not able to recall their specific title.

Sarna also testified that analyst Eileen Barbacci sends him an email requesting his assistance in getting a part expedited off the floor once a week or every other week. He testified further that he asks analyst Jason Doliezel for assistance in getting printer parts recirculated for repair. Sarna testified that his interaction with Doliezel occurs approximately every other day and lasts 15 to 20 minutes. Barbacci and Doliezel are both supervised by Fischer Smith.¹⁰

In addition, Sarna testified that he receives one or two emails each day from procurement analysts, confirming that outside vendors have shipped replacement parts for printers to the Employer's customers.

For many years, including while Sarna was represented by Local 1440 in the plant clerical unit, analysts Gutknecht and Doliezel have performed Sarna's duties relating to the preparation of manifests for ground shipping for emergency orders. The record does not reveal how frequently this occurs.

As indicated above, Sarna interacts with the shipping and receiving employees in building 3 approximately 15 minutes each day, when he delivers replacement parts to building 3 to be shipped out of that area. The shipping and receiving employees also perform some of Sarna's shipping duties when he is on vacation or unavailable.

The record does not reveal how frequently this occurs or which aspects of Sarna's shipping duties they perform.

Sarna testified that a unit employee delivers parts to the stockroom in building 3, where the shipping and receiving employees work. The record is otherwise silent regarding the extent of interaction and functional integration between the unit employees, the other PCAs, the analysts, and the shipping and receiving employees in building 3.

Analysis

Based on the foregoing facts, we find, contrary to the Regional Director, that a self-determination election in a voting group limited to Sarna is appropriate.

The Regional Director dismissed the petition on the basis that the proposed voting group is not appropriate because it excludes other unrepresented "residual" employees similar to Sarna, and "it is well established that a residual unit is appropriate only if it includes all unrepresented employees of the type covered by the petition." We disagree. An *Armour-Globe* self-determination election permits employees sharing a community of interest with an already represented unit of employees to vote whether to join that unit. *Globe Machine & Stamping Co.*, 3 NLRB 294 (1937); *Armour & Co.*, 40 NLRB 1333 (1942). See also *NLRB v. Raytheon Co.*, 918 F.2d 249, 251 (1st Cir. 1990). Although the Board will usually determine first whether the petitioned-for employees constitute a separate appropriate unit, the Board has also held that a self-determination election is the proper method by which a union may add unrepresented employees to an existing unit, if those employees share a community of interest with unit employees and constitute an identifiable, distinct segment so as to comprise an appropriate voting group. *Warner-Lambert Co.*, 298 NLRB 993, 995 (1990). Here, the Petitioner seeks a self-determination election in a separate appropriate voting group pursuant to *Armour-Globe*, not the creation of, and election in, a residual unit.

In these circumstances, the Board's policy that a residual unit is appropriate only if it includes all unrepresented employees of the type covered by the petition is not applicable. Rather, the proper analysis is whether the employee(s) in the proposed voting group share a community of interest with the currently represented employees and whether they constitute an identifiable, distinct segment. *Id.*

We find that Sarna shares a community of interest with the existing unit. Sarna has different job skills and duties, separate immediate supervision, and does not interchange with the employees in the existing unit. However, he works in the same building as the unit employees and spends a substantial amount of time each day in

¹⁰ As discussed above, the evidence regarding the specific title of the analysts supervised by Fischer Smith is conflicting, and it is not clear whether they are material analysts or order management analysts.

the production, packing, and shipping and receiving areas where he has frequent work-related contact with the unit employees and, like them, he is hourly paid, punches in and out, works similar hours, and takes the same amount of time for lunch. His wages are similar to the more highly paid unit employees. While there are some differences in pay and benefits, the differences are the result of collective bargaining. Furthermore, his position is functionally integrated into the production, packing, and shipping and receiving functions of the unit employees, and he performs overlapping job functions with several of the unit employees. For example, he works closely with the shipping and receiving clerk in building 2 on a daily basis, receiving and processing incoming shipments. He also works alongside a unit employee in small parts packing on a daily basis, packing and processing parts for shipment. Moreover, Sarna spends approximately an hour each day in the production areas, obtaining replacement parts directly from unit employees. Finally, Sarna shares common second-level supervision with several unit employees who perform repairs on returned parts. In light of these factors, it is clear that Sarna shares a sufficient community of interest with the existing unit to warrant a self-determination election.

We also find that Sarna constitutes a distinct, identifiable segment of the Employer's unrepresented employees and that a voting group limited to Sarna is appropriate. In reaching this determination, we rely in part on Sarna's distinctive functions. In describing Sarna's duties, Fischer Smith testified "he's pretty much a one man show" and "[n]o one really does exactly what he does." Sarna's main responsibility is filling emergency orders for replacement parts that cannot be filled from the existing stock in building 3. As described above, performing this function brings Sarna into regular contact with unit employees and requires that he spend up to 3-1/2 hours each day in the production, packing, and shipping and receiving areas, working alongside unit employees. No other unrepresented employee at issue in this proceeding performs comparable functions or has comparable contact with the unit employees.

Although the other unrepresented PCAs share the same title as Sarna, it is undisputed that they perform different functions, work in different buildings and departments, and have separate supervision. Further, there is no evidence of work-related contact between the other PCAs and the unit employees, nor is there evidence that the other PCAs are functionally integrated with the existing unit. The record reflects that Sarna has no contact or functional integration with the other PCAs. Thus, although they share a title and have the same benefits as nearly all of the

unrepresented employees, Sarna has a much stronger community of interest with the employees in the existing unit by virtue of functional integration and daily substantive contact.

The unrepresented shipping and receiving employees, like Sarna, are responsible for processing emergency orders for replacement parts and, like Sarna, they are required to remain on-call after hours and during the weekends. Unlike Sarna, however, they only fill emergency orders for routine parts that are in stock in the warehouse in building 3. If a part is not in stock, the order goes to Sarna. There is no evidence that the shipping and receiving employees, in performing their duties, ever travel to building 2 where the unit employees work. While, as found by the Regional Director, a unit employee delivers parts to building 3, the record does not reveal whether, in doing so, she has any contact with the unrepresented shipping and receiving employees.

Sarna's contact with the shipping and receiving employees appears to be minimal and, contrary to the Regional Director, it is clearly outweighed by his more substantive daily contact with unit employees. Sarna testified that he spends, at most, 15 minutes a day delivering parts to building 3 to be shipped out of that location.

As to the analysts, the record is silent regarding the nature and extent, if any, of their contact and functional integration with the unit employees. Sarna's contact with the analysts, while more substantial than his contact with the other PCAs and the shipping and receiving employees, appears to be outweighed by his contact and functional integration with the unit employees. As noted above, the record discloses that Sarna works closely with unit employees up to 3 1/2 hours each day when he is processing incoming shipments, obtaining parts directly from unit employees on the production floor, and packing and processing parts for shipment. In contrast, Sarna interacts with the analysts approximately 1 hour and 15 minutes a day at most, and some of his interaction with the analysts consists of email exchanges, rather than face-to-face contact.

Further, we find significant Sarna's history of representation in a separate plant clerical unit. Although the record indicates that the analyst positions have been in existence for many years, the analysts have historically been excluded from the Local 1440 plant clerical unit and the parties evidently agreed that the employment interests of the analysts and the Local 1440 plant clericals were sufficiently distinct that the plant clericals could appropriately be represented in a separate bargain-

ing unit.¹¹ Although the Employer reclassified Sarna as a PCA and gave him additional responsibilities, the changes in Sarna's duties do not appear to be so significant as to render his representation in a separate unit from the analysts inappropriate.

Upon these facts and the record as whole, we find that Sarna has both the requisite community of interest with the existing unit and a distinctive function and diverse community of interest from the remaining employees necessary for the establishment of a separate voting group under *Warner-Lambert*, supra. According, we reverse the Regional Director and direct a self-determination election for Sarna to decide whether he

wishes to be represented in the general production and electronic product technician unit, or to remain unrepresented.

ORDER

Based on the forgoing, we reverse the Regional Director and remand this case to the Regional Director for further appropriate proceedings.

Dated, Washington, D.C. October 20, 2009

Wilma B. Liebman, Chairman

Peter C. Schaumber, Member

(SEAL) NATIONAL LABOR RELATIONS BOARD

¹¹ The testimony indicates that the analyst classifications have been in existence for at least a decade. The record does not reveal how long the PCA or the building 3 shipping and receiving classifications have been in existence.